

RECREATION FACILITIES BYLAW #4513/2017

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TOWN OF HIGH RIVER
IN THE PROVINCE OF ALBERTA
BYLAW 4513/2017

A BYLAW OF THE TOWN OF HIGH RIVER FOR THE PURPOSE OF REGULATING AND PROMOTING RESPONSIBLE USE, ENJOYMENT AND PROTECTION OF RECREATION FACILITIES OWNED AND OPERATED BY OR UNDER THE JURISDICTION OF THE TOWN OF HIGH RIVER.

WHEREAS, the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, provides that a Council may pass bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, the Council of the Town of High River is of the view that it would be in the best interests of the Residents of the Town of High River that a Bylaw be passed to regulate the use, protection and government of Recreation Facilities owned by or under the jurisdiction within the Town of High River;

NOW THEREFORE, the Town of High River, in Council assembled, enacts as follows:

PART 1: INTRODUCTION

Short Title

1. This Bylaw will be cited as the Town of High River 'Recreation Facilities Bylaw.'

Guiding Principles

2. Seven principles guide this Bylaw and its enactment:

Access and Equity. Promote fair and equitable access to Recreation Facilities in terms of allocation, as well as in the application of fees and charges.

Optimal Use. Promote the optimal use of Recreation Facilities by efficient usage (including space sharing and multiple use) and ensuring the Town is receiving fair compensation for the usage.

Diversity. Promote a wide range of recreation opportunities, accessible to and inclusive of community members of all ages, abilities and cultural backgrounds.

Safety. Promote a physically safe environment at all times and during all recreation activities.

Youth Development. Promote the role that recreation can play in the development of physical fitness and physical literacy as a positive lifestyle choice for the adults of tomorrow.

Partnership. Promote mutually advantageous partnerships with community associations, school groups, sports leagues and other organizations in the delivery of recreation Programs and Special Events.

Commitment to Wellness of Body/Mind/Spirit. Promote recreational opportunities as a way to build healthy bodies, happy minds and boundless spirit by fostering positive and respectful relationships with others; and as a way to live in harmony within the community and with nature.

Application

3. All Recreation Facilities owned and operated by the Town of High River will be subject to the provisions of this Bylaw.

Authorization

4. The Manager of Parks and Recreation or his/her designate is authorized to establish:
 - (a) Hours of operation;
 - (b) Dates of periodic closures;
 - (c) Procedures and guidelines that facilitate the efficient and effective access, use, and protection of Town Recreation Facilities including but not limited to that related to Facility allocation and Rentals;
 - (d) Deployment of resources (e.g. staff, equipment and amenities);
 - (e) Conditions on which exclusive use may be made of a Facility or portion thereof;
 - (f) Facility signage;

- (g) Advertising, sponsorship, marketing and promotional Programs;
- (h) Conditions for the safe and orderly use of Recreation Facilities are guided by the Standards of Conduct;
- (i) Content of agreements and permits for use of Recreation Facilities, including lease and license agreements;
- (j) Dispute resolution processes; and
- (k) Any other procedures or guidelines that may contribute to the administration and operation of Recreation Facilities and activities.

General Provisions

- 5. Use of Recreation Facilities must be in accordance with this Bylaw, a Facility Rental Agreement, Recreation Facilities Administration Procedures, Alberta Building and Fire Codes, Alberta Gaming and Liquor Act, Workers' Compensation Act and with any other federal, provincial or municipal enactments for health and safety applicable to the use.

PART 2: DEFINITIONS

- 6. The following definitions apply to terms used in this Bylaw:

Council. Means the elected members of the Town of High River Council.

Facility Rental Agreement. Means a document which clearly outlines the contractual agreements between the User/User Group and the Town for Rental of a Recreation Facility or portion thereof for Normal Uses.

Manager. Means the Town of High River's Manager of the Parks and Recreation Division or designate.

Organization:

Non-Profit. A group of five or more people who share a common recreational, cultural, scientific or charitable interest, have Non-Profit objects and are incorporated as a society according to the Alberta Societies Act. Special rates may apply to Non-Profit Organizations where a minimum of 70% of the members fall within a single User category.

For-Profit. A commercial use whereby the Organization is engaged in commerce; an Organization engaged in the trade of goods and/or services for the primary purpose of making a profit to benefit their owner(s) and/or shareholder(s).

Schools. Schools within the Foothills School Division #38, Christ the Redeemer School District and Resident home school groups.

Rate Period.

Prime Time. Means a period of operation which is designated by the Town in its Recreation Facilities Administration Procedures to be the highest demand and most desirable period of regular use.

Non-Prime Time. Means a period of operation which is designated by the Town in its Recreation Facilities Administration Procedures to be a lower demand. Non-prime is any time not designated as prime time.

Recreation Board. Means the High River and District Recreation Board.

Recreation Facilities Administration Procedures. Means the procedures and processes developed by the Manager to guide the effective administration of Recreation Facilities.

Recreation Facility/Facilities. Means every athletic, recreation or cultural facility owned and operated by the Town including but not limited to recreation complexes, fieldhouses, swimming pools, spray parks, arenas, athletic playing fields, ball diamonds, community stages, cultural centers and the ancillary property, grounds and parking areas. In this Bylaw, the singular is also referred to as "Facility".

Rental Period. Means the date(s) and time(s) stipulated for use within the Facility Rental Agreement.

Rental Type.

Casual Rental. One-time or intermittent use which does not follow a set or predictable schedule and which is less than 10 occurrences per Season.

Recurring Rental. Regular use follows a set day/time schedule and is comprised of 10 or more occurrences per Season.

Residence Status. Rates and/or priority of access vary according to the residence status of the User/User Group. Proof of residency may be required to receive an applicable rate.

Resident. Means any User who is a Resident of the Town of High River or the Municipal District of Foothills; or a User Group where greater than 70% of their members are Residents of the Town of High River or the Municipal District of Foothills.

Non-resident. Refers to those User/User Groups that do not meet the “Resident” criteria above.

Seasons. Facility costs may be adjusted seasonally.

Spring/Summer Season. Means the period of time between April 1 and August 31 of any year.

Fall/Winter Season. Means the period of time between September 1 and March 31 over consecutive two years.

Town. Means the Town of High River.

Uses. The types of Recreation Facilities use are as follows (categories may be combined at times, for example a Normal Use that is also a Rental).

Drop In: A use characterized by a person or group of persons deciding on a Casual basis to attend a session which is open to the public or a subset of the public.

Programs: Any program or event operated, co-sponsored or sanctioned by the Town of High River’s Parks and Recreation Division. Typically a User pre-commits through a registration process to a series of classes which are led by an instructor.

Normal Use: Means the use of a Recreation Facility or portion for its regular intended activity.

Rental: A Recreation Facility or portion is provided for dedicated sole or shared use for a Rental Period as stipulated in the Rental agreement. During such period of time, public access is restricted, the renter controls the uses and is responsible for the users of that space for the duration of Rental Period.

Special Event: An organized one-time or intermittent gathering of people that restricts typical public access to the Public Realm.

User.

User primarily refers to individuals or related individuals who are eligible to use the Facility. Fees apply to a User except where noted.

User Categories.

The meaning of each user category is detailed below. Proof of residence and/or age to determine eligibility for a rate category may be required.

Preschooler. An individual 3 years of age and under; eligible for free Drop-in

Child. An individual 4 to 12 years of age

Youth. An individual 13 to 17 years of age

Student. An individual 18 to 25 years of age and enrolled full-time in post-secondary education or vocational training

Adult. An individual 18 to 59 years of age

Senior. An individual 60 to 79 years of age

Super Senior. An individual 80 years of age and over; eligible for free Drop-in

Family User – Means up to two adults and three (3) children under the age of 18 who reside in the same household.

Aide - An individual who accompanies a person who requires assistance.

User Groups. Means Organizations that contract for Recurring Recreation Facility Rentals. Certain terms must be met to be considered a User Group as stipulated in the Recreation Facilities Administration Procedures. Specific billing procedures may be applied to Recurring User Group bookings.

User/User Group Contact Agent. Means an individual authorized by the User/User Group with decision-making authority and who serves as the primary contact for the Town as stipulated in the Facility Rental Agreement document.

PART 3: FACILITIES ALLOCATION, RENTAL AND USAGE

Allocation Priority

7. As it may be the case that demand exceeds supply for a Facility, the following allocation priorities will apply in the order presented. The Town will in its allocation practices ensure optimal use. Priorities for use have been determined based on the guiding principles in Section 2 of this Bylaw:
 - (a) Town of High River delivered or sanctioned Programs and bookings
 - (b) Resident Recurring User Groups in the following order:
 - i. Preschool/Children/Youth (e.g. Minor Hockey, Swim Club, etc.)
 - ii. Schools (non-prime time only)
 - iii. Adult & Seniors (e.g. Hockey Leagues, Volleyball Leagues)
 - iv. Other
 - (c) Resident Casual User/User Groups
 - (d) Non-resident User/User Groups.

Eligibility for Use

8. The use of Recreation Facilities may be permitted if the Facility or portion requested:
 - (a) Is a Normal Use that is suitable for the proposed event or activity,
 - (b) There is no conflict with other previously scheduled activities,
 - (c) The event or activity does not create additional maintenance or other expense, unless agreed upon, and
 - (d) The event or activity is in alignment with safety practices and Town values (respectful, ethical, transparent and always acting in the best interest of the community).
9. The Manager may refuse a request for use:
 - (a) If the request is for a use that is not a Normal Use;
 - (b) If the proposed use appears to present:
 - i. Any significant hazard to any person within or near the Recreation Facility;
 - ii. A significant risk of injury or damage to the Recreation Facility or equipment owned by the Town, or other property;
 - iii. A scheduling conflict with another applicant/user who has entered into a Facility Rental Agreement;
 - iv. Conflict with another applicant whose proposed use will provide greater revenue or more substantial benefits to the community;
 - v. If the proposed use and purposes of the applicant can be better met by another venue; and/or
 - (c) The applicant, or a user represented by the applicant has, in the past:
 - i. Violated the terms of a Facility Rental Agreement;
 - ii. Caused the resources of the Town to be significantly impacted;
 - iii. Caused injury to persons or damage to the Facility, equipment or other property;
 - iv. Necessitated attendance by law enforcement personnel at the Facility due to misconduct by persons attending the event.

Assignment

10. The Facility Rental Agreement may not be assigned by a User/User Group to another User/User Group.

Insurance Requirements

11. For all Rentals by a User/User Group, liability insurance is required. Refer to the Facility Rental Agreement for conditions and insurance options.

Rentals/Bookings Requests

12. Any User/User Group who wishes to rent a Recreation Facility will make a Rental request in accordance with the Recreation Facilities Administration Procedures. User/User Groups may be

responsible for set-up and takedown of equipment required for their activity during the Rental Period.

Ticket Sales/Event Admissions

13. User/User Groups that charge admission to events in Recreation Facilities are responsible for ticket sales. The Town may negotiate a percentage of any gate admissions charged to spectators/participants, such percentage to be documented in the Facility Rental Agreement.

The Town may sell tickets on behalf of a User/User Group when contracted to do so on a fee-for-service basis.

Sale of Goods

14. The following activities are prohibited unless such activity has been formally permitted and the Manager has given written approval:
 - (a) conduct fundraising activities;
 - (b) offer goods or services for sale;
 - (c) solicit for any business, trade or occupation;
 - (d) carry on a business of any kind or nature whatsoever;
 - (e) place a sign or device or any kind of advertising; or
 - (f) place or leave any goods or merchandise in order to display the same for sale.
15. The Manager may negotiate a percentage of sales for such use, such percentage to be documented in the Facility Rental Agreement.

Promotion.

16. All users promoting events occurring within Recreation Facilities must use the official and full Facility name, logo, artwork or name approved by Council.

Facility Closures

17. As much notice as is reasonably possible will be provided to Users/User Groups and the public for Facility closures. Such closures may be known or emergent and required for a variety of reasons including but not limited to: statutory holidays, health and safety, optimal functioning, maintenance, and Facility projects.
18. Facilities that require staff to be onsite to operate may be closed or have limited hours on all statutory holidays. Any use on these dates will be subject to an additional premium on the regular rates.

PART 4: APPLICATION OF RATES

19. Rates are identified in the Town of High River Rate Bylaw approved by Council at the time of use. Rates vary according to Season and Rate Period.
20. Rates reflect the guiding principles of this Bylaw, public benefit of proposed activities, and the cost of providing Recreation Facilities, Programs and services. The rates for Facility bookings and Rentals is determined based on the nature of the intended use, residence status, organization type, and nature of User/User Group.
21. Rate subsidy may be available to User/User Groups through established Programs or by Council policy. Refer to the Recreation Facilities Administration Procedures for availability and detail.

PART 5: CONDUCT

Parks and Recreation Division Commitments

22. The Town believes in the prevention of discrimination, violence and harassment and promotes an abuse-free environment.
23. The Parks and Recreation Division operates within a framework to:
 - (a) Encourage healthy hearts, happy minds and boundless spirit;
 - (b) Care well for places and spaces;
 - (c) Gladly extend and receive respect;
 - (d) Provide fun and safe places for wellness;
 - (e) Identify and remedy issues to the best of our abilities; and
 - (f) Strive for accountability and excellence.

Standards of Conduct

24. The Responsible Person or 'User/User Group Contact Agent' who signed the Facility Rental Agreement is the person responsible for the conduct or actions of users associated with their booking(s). In all cases the following standards apply.
- (a) Accounts must be in good standing in order to access Recreation Facilities and Programs. Neither Facility holds nor use are allowable until arrears are paid in full.
 - (b) Users and User Groups are responsible for the conduct of all participants who are at, or within the Recreation Facility at all times. The User/User Group will bear full responsibility for all costs incurred by the Town to repair any/all damage to the Facility and/or equipment therein.
 - (c) User Groups will provide their own first aid personnel and equipment with the exception of those attending or renting the pool. Town lifeguards will provide first aid for pool patrons.
 - (d) No person will engage in an activity which does or may:
 - i. injure any other person using the Facility;
 - ii. damage the Facility or surrounding area;
 - iii. unduly interfere with the reasonable use of a Recreation Facility by another person or group; or
 - iv. use any building, structure or equipment for any purpose other than that for which it is obviously intended.
 - (e) No person will engage in activity that has been prohibited by signage unless a permit or written permission has been obtained from the Manager and then only in accordance with the terms, conditions and restrictions set by the Manager.
 - (f) No person will consume, serve or sell liquor unless authorized in writing by the Manager and with the appropriate license approval of the Alberta Gaming and Liquor Commission.

Corrective Action

25. The Manager may take action to correct and/or address any conduct which is not aligned with this Bylaw. Such action may include eviction from premises, denial of admission/access, and/or suspension/denial of any privileges.

A Facility Rental Agreement may be cancelled at any time with no further obligation on the part of the Town if, in the opinion of the Town, the conduct of the User/User Group is not satisfactory.

PART 6: CONFLICT RESOLUTION

26. The User/User Group and the Town agree to utilize all reasonable efforts to resolve any dispute promptly and in an amicable manner through direct discussion between parties. In matters related to this Bylaw, the Director of Community Services renders a final decision when there is a dispute that cannot be resolved among the parties.

PART 7: SEVERABILITY

27. It is the intention of Council that each separate provision of this Bylaw should be deemed independent of all the other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof should remain valid and enforceable.

PART 8: EFFECTIVE DATE

28. This Bylaw comes into effect on September 1, 2017.

PART 9: RELATED DOCUMENTS

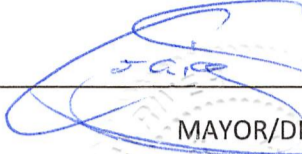
29. Town of High River documents related to this Bylaw include:
- a. Recreation Facilities Administration Procedures; and
 - b. Rates Bylaw.

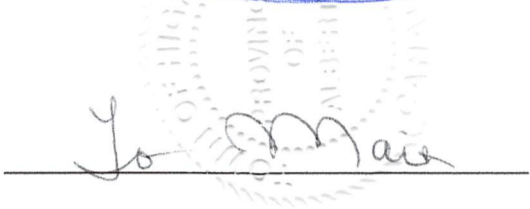

Read a first time this 23 day of May, 2017

Read a second time this 23 day of May, 2017

Read a third and final time this 23 day of May, 2017

SIGNED AND PASSED this 5 day of June, 2017



 MAYOR/DEPUTY MAYOR



TOWN MANAGER